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July 6, 2025

BY ECF

INITIAL SCHEDULING CONF: JULY 8, 2025, 12:00 NOON

The Honorable Jeannette A. Vargas
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *LaTroya Grayson v. Combs, et al.*, No. 24-09857-JAV

Dear Judge Vargas:

On behalf of our client, Delta Air Lines, Inc. (“Delta”), please accept this letter in response to the letter motion from Plaintiff’s counsel to Your Honor dated July 5, 2025, which requests an adjournment of the initial scheduling conference which, after two prior scheduled dates and times has been rescheduled to 12 noon on Tuesday July 8, 2025. First, Delta objects to the late timing of Plaintiff’s request, and the fact that counsel for Plaintiff never bothered to contact counsel for Delta before filing the July 5 request. Plaintiff’s counsel clearly was aware of the trial that was scheduled in Florida, and apparently received confirmation on July 2, 2025 (according to the July 2 email copying Plaintiff’s counsel which Plaintiff’s counsel attached to her letter motion) but still waited three additional days before requesting the continuance. Delta’s counsel is prepared to appear on July 8 at the set time and requests that the conference proceed as scheduled.

Second, Delta notes that Plaintiff has decided not to timely file an opposition to Delta’s pending motion to dismiss. *See* the entry below:

ORDER granting [61](#) Letter Motion for Extension of Time to File Response/Reply. Plaintiff’s request for an extension of time to respond to Defendant Delta Airlines’ Motion to Dismiss is GRANTED, nunc pro tunc. Plaintiff’s opposition papers shall be filed **no later than July 3, 2025**. Defendant Delta Airlines’ reply papers shall be filed no later than July 17, 2025. (HEREBY ORDERED by Judge Jeannette A. Vargas)(Text Only Order) (Yin-Olowu, Tammy) (Entered: 06/17/2025)

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July 3, 2025 came and went yet Plaintiff failed to file her opposition to the Delta motion to dismiss.

This case should never have been filed against Delta, which appears to have been named as a Defendant in the Amended Complaint merely because Delta purportedly provided air transportation one time to Plaintiff between Oklahoma City and New York in the Fall of 2006. Plaintiff has not alleged any specific facts to counter Delta's motion to dismiss arguments, and therefore clearly lacks any legitimate basis to oppose the Delta motion to dismiss. Moreover, Plaintiff waived challenging the motion to dismiss by failing to file a timely opposition brief. In addition, Plaintiff's counsel is apparently now resorting to delaying tactics to avoid having to defend the frivolous attempt to include Delta in this case.

If the Court decides not to hold the scheduling conference on July 8, or even if it does, the most appropriate result for Delta is for the Court to grant Delta's motion to dismiss with prejudice at this time.

Respectfully submitted:

/s/ M. Roy Goldberg

M. Roy Goldberg

CLARK HILL PLC

Steven Richman

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Nicole Wolfe Stout

STRAWINSKI & STOUT PC

Counsel for Defendant Delta Air Lines, Inc.

Copy: All counsel of record